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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/602,637	06/25/2003	Takaaki Kutsuna	396.42795X00	1073

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EXAMINER

PATTERSON, MARC A

ART UNIT PAPER NUMBER

1772

DATE MAILED: 10/10/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/602,637

Applicant(s)

KUTSUNA ET AL.

Examiner

Marc A. Patterson

Art Unit

1772

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 19 July 2006.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-6 and 8-22 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-6 and 8-22 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

WITHDRAWN REJECTIONS

1. The 35 U.S.C. 102(b) rejection of Claims 1 – 2 and 9 – 18 as being anticipated by Gerdes et al (U.S. Patent No. 4,719,135), of record on page 2 of the previous Action, is withdrawn.

NEW REJECTIONS

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 1 – 2 and 8 – 22 are rejected under 35 U.S.C. 103(a) as being unpatentable over Gerdes et al (U.S. Patent No. 4,719,135) in view of Tashiro et al (U.S. Patent No. 3,704,229).

With regard to Claims 1 – 2, 8, 10 – 14, 18 and 22, Gerdes et al discloses a fuel system comprising a fuel vessel (fuel tank; column 1, lines 8 – 11) which is molded and therefore has molded parts (column 2, lines 41 – 45) constituted from a thermoplastic resin (high density polyethylene; column 2, lines 43 – 45) and a coating layer formed on the surface of the outside of the vessel body (coating of varnish, therefore on the molded parts; column 1, lines 51 – 55) formed by curing an epoxy resin composition comprising an epoxy resin and an epoxy resin curing agent (column 2, lines 50 – 55), the coating layer having a gasoline permeability coefficient of $2\text{g}\cdot\text{mm}/\text{m}^2\cdot\text{day}$ or less at 60 degrees Celsius and a relative humidity of 60% RH (fuel impermeability, therefore no permeability; column 3, lines 36 – 37). Gerdes et al fail to

disclose an epoxy curing agent comprising a reaction product of metaxylylenediamine and an acrylic acid derivative which can form an amide by reacting with polyamine to form an oligomer.

Tashiro et al disclose a curing agent for epoxy which comprises a reaction product (column 1, lines 59 – 52) of metaxylylenediamine (column 2, line 14) and acrylic acid derivative (acrylic acid ester; column 1, line 63), which is used for the purpose of obtaining an epoxy that is curable in a wet state (column 1, lines 28 – 31). One of ordinary skill in the art would therefore have recognized the advantage of providing for the curing agent of Tashiro et al in Gerdes et al, which comprises an epoxy, depending on the desired properties of the end product.

It therefore would have been obvious for one of ordinary skill in the art at the time Applicant's invention was made to have provided for a cured epoxy comprising a reaction product of metaxylylenediamine and acrylic acid derivative in Gerdes et al in order to obtain an epoxy that is curable in a wet state as taught by Tashiro et al. The claimed aspect of the acrylic acid derivative being a derivative that can form an amide by reacting with polyamine to form an oligomer is given little patentable weight as it is directed to a process limitation rather than a structural limitation.

With regard to Claim 9, because Gerdes et al disclose a fuel vessel which is coated, Gerdes et al disclose coating of an area rate of 100%.

With regard to Claims 15 – 16, the container disclosed by Gerdes et al is a tube (canister, therefore cylindrical, therefore having a tube body; column 1, lines 8 – 10).

With regard to Claims 17 and 20, the blending proportion of the epoxy resin to the epoxy resin curing agent falls in a range of 1.2 to 3.0 in terms of the ratio of active hydrogen to epoxy

group (curing agent is utilized in stoichiometric excess of 1.5 molar excess; column 3, lines 65 – 68; column 4, lines 1 – 2).

With regard to Claim 19, Tashiro et al teach an acrylic acid derivative, as stated above; the mole ratio is therefore 0.3 to 0.97 in terms of amino groups to reactive function groups in the epoxy.

With regard to Claim 21, the thickness of the coating layer disclosed by Gerdes et al is in a range of 1 to 200 μm (column 4, line 55).

4. Claims 3 – 6 are rejected under 35 U.S.C. 103(a) as being unpatentable over Gerdes et al (U.S. Patent No. 4,719,135) in view of Tashiro et al (U.S. Patent No. 3704229) and further in view of Carlblom (U.S. Patent No. 5,637,365).

Gerdes et al and Tashiro et al disclose a fuel container comprising an epoxy coating as discussed above. With regard to Claims 3 – 6, Gerdes et al and Tashiro et al fail to disclose an epoxy comprising a glycidylamine part derived from metaxylylenediamine as a principal component and a cured epoxy having the claimed structure in the amount of 30% or more.

Carlblom teaches an epoxy comprising a glycidylamine part derived from metaxylylenediamine as a principal component (column 8, lines 51 – 60) and a cured epoxy having the claimed structure (column 8, lines 60 – 63) in the amount of 30% by weight (bisphenol in the amount of 30% by weight; column 6, lines 63 – 65) for a fuel container (column 1, lines 31 – 33) for the purpose of obtaining a container having reduce permeability of gas (column 1, lines 12 – 14). One of ordinary skill in the art would therefore have recognized the advantage of providing for the epoxy of Carlblom in Gerdes et al and Tashiro et al, which

comprises an epoxy for a fuel container, depending on the desired gas permeability of the end product.

It therefore would have been obvious for one of ordinary skill in the art at the time Applicant's invention was made to have provided for an epoxy comprising a glycidylamine part derived from metaxylylenediamine as a principal component and a cured epoxy having the claimed structure in the amount of 30% or more in Gerdes et al and Tashiro et al in order to obtain a container having reduce permeability of gas as taught by Carlblom.

ANSWERS TO APPLICANT'S ARGUMENTS

5. Applicant's arguments and amendments regarding the 35 U.S.C. 102(b) rejection of Claims 1 – 2 and 9 – 18 as being anticipated by Gerdes et al (U.S. Patent No. 4,719,135), of record in the previous Action, have been considered and have been found to be persuasive. The rejection is therefore withdrawn.

Applicant's arguments regarding the 35 U.S.C. 103(a) rejection of Claims 3 – 6 as being unpatentable over Gerdes et al (U.S. Patent No. 4,719,135) in view of Tashiro et al (U.S. Patent No. 3704229) and further in view of Carlblom (U.S. Patent No. 5,637,365), of record in the previous Action, have been carefully considered but have not been found to be persuasive for the reasons set forth below.

Applicant argues, on page 13 of the remarks dated July 19, 2006, that Gerdes et al fail to disclose an epoxy curing agent comprising a reaction product of metaxylylenediamine and acrylic acid.

However, it is already noted above that Gerdes et al fail to disclose an epoxy curing agent comprising a reaction product of metaxylylenediamine and acrylic acid.

Applicant also argues on page 13 that Carblom is directed to containers that are impervious to oxygen and carbon dioxide, rather than fuel, and does not teach a resin having the claimed permeability.

However, as stated above, both Gerdes et al and Carblom are directed to fuel containers; furthermore, as stated above, a resin having the claimed permeability is disclosed by Gerdes et al.

6. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

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7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Marc A Patterson whose telephone number is 571-272-1497.

The examiner can normally be reached on Mon - Fri 8:30 AM - 5:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Harold Pyon can be reached on 571-272-1498. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Marc Patterson 10/2/06
Marc A. Patterson, PhD.
Primary Examiner
Art Unit 1772